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[Additional counsel on signature blocks]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE TESLA, INC. SECURITIES  
LITIGATION

No. 18-cv-04865-EMC

Hon. Edward M. Chen

**DECLARATION OF ADAM M. APTON IN  
SUPPORT OF LEAD PLAINTIFF'S REPLY  
BRIEF IN SUPPORT OF MOTION FOR  
LEAVE TO SERVE NON-PARTY DOCUMENT  
PRESERVATION SUBPOENAS**

DATE: January 24, 2019

TIME: 1:30 p.m.

COURTROOM: Courtroom 5 – 17<sup>th</sup> Floor

1 I, Adam M. Apton, hereby declare as follows:

2 1. I am a partner at the law firm of Levi & Korsinsky, LLP, counsel for Lead Plaintiff Glen  
3 Littleton ("Plaintiff"), and a member in good standing of the bar of the State of California. I am licensed  
4 to practice before this Court. On behalf of Plaintiff, I respectfully submit this declaration in further support  
5 of his motion for leave to serve non-party document preservation subpoenas.

6 2. Attached hereto as Exhibit A is a true and correct copy of Zero Hedge article titled "'This  
7 Is Going To Get Extremely Ugly': Azealia Banks Reignites Feud With Elon Musk." dated January 6, 2019  
8 and located online at [https://www.zerohedge.com/news/2019-01-06/going-get-extremely-ugly-azealia-](https://www.zerohedge.com/news/2019-01-06/going-get-extremely-ugly-azealia-banks-reignites-feud-elon-musk)  
9 [banks-reignites-feud-elon-musk](https://www.zerohedge.com/news/2019-01-06/going-get-extremely-ugly-azealia-banks-reignites-feud-elon-musk).

10 3. Attached hereto as Exhibit B is a true and correct copy of the Business Insider article titled  
11 "Lawyers voice concerns about the potential for deleted information as rapper Azealia Banks gets pulled  
12 into a lawsuit against Elon Musk" dated January 8, 2019 and located online at  
13 [https://www.businessinsider.com/lawyer-suing-elon-musk-cites-potential-destruction-of-information-](https://www.businessinsider.com/lawyer-suing-elon-musk-cites-potential-destruction-of-information-concern-2019-1)  
14 [concern-2019-1](https://www.businessinsider.com/lawyer-suing-elon-musk-cites-potential-destruction-of-information-concern-2019-1).

15 4. Attached hereto as Exhibit C is a true and correct copy of Seeking Alpha article titled  
16 "Farewell For Now" dated July 24, 2018 located online at [https://seekingalpha.com/instablog/37229846-](https://seekingalpha.com/instablog/37229846-montana-skeptic/5190656-farewell-now)  
17 [montana-skeptic/5190656-farewell-now](https://seekingalpha.com/instablog/37229846-montana-skeptic/5190656-farewell-now).

18 5. Attached hereto as Exhibit D is a draft request for production of documents that, if leave is  
19 granted, would be served upon the non-parties identified in the motion.

20 I declare under penalty of perjury that the foregoing facts are true and correct. Executed this 11th  
21 day of January, 2019.

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23 /s/ Adam M. Apton  
Adam M. Apton  
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